

### **REMARKS**

In response to the outstanding Office Action mailed on July 28, 2003, claims 1-4 of the present application are amended herein.

#### Response to 35 U.S.C. §103(a) Rejection

Claims 1-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dickens et al. (US 6,657,525) in view of Ma (US 6,529,093).

With regard to independent Claims 1-8, Applicant respectively asserts that the Dickens and Ma do not teach or suggest a MEMS switch as claimed herein. Claims 1 and 4 have been amended to clarify that any deflecting beam used in connection with the claimed invention is non-conductive. Both Dickens and Ma fail to suggest anything of this nature. In fact, both Dickens and Ma use their respective version of a deflecting beam as the means of conduction for purposes of causing deflection of the beam. In Dickens, portions of the deflecting beam are distinctly described as electrodes (100 and 101 in Fig. 3 and 60 and 61 in Fig. 2). In Ma an electrostatic attraction between the cantilever beam 503 and electrode 507 is described. Accordingly, both Dickens and Ma teach away from a non-conductive deflecting beam.

### ***CONCLUSION***

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that the obviousness rejection has been traversed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (970) 679-3275

Respectfully submitted,



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